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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/107,083	06/29/1998	CHRISTOPHER M. WHITE	MS1-260US	7534
22801	7590	04/20/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			VU, NGOC K	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/107,083	Applicant(s) WHITE, CHRISTOPHER M.	
	Examiner Ngoc K. Vu	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-29,36 and 331 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-29 and 31-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed 12/27/04 with respect to claims 1-5, 7-29, and 31-36 have been considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, applicant argues that there is no suggestion of a computing device or system that would possibly support the implement of a web browser program in Duffield. It is noted that Duffield discloses determining the channels that are frequently and/or continuously selected and reselected by a viewer and displaying video pictures that represent channels frequently and/or continuously selected and reselected by the viewer on a screen (see col. 1, lines 14-19; col. 3, lines 38-58). However, Boyer discloses that television program guide data and related multimedia information are provided to the user's multimedia system in the form of one or more web pages to allow the user access information widely. Using a web site platform also allows a wide range of service options, e.g., video, images, text...etc, to be provided (see page 1, 0013;

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page 2, 0015 and figures 1-3). Furthermore, Boyer shows presenting per view event when the user selects and orders it from pay per view channel (see page 9, 0130-0134). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Duffield by displaying secondary video pictures through web browser program as taught by Boyer in order to widely allow the users to access television information at remote locations.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7-29, and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duffield et al. (US 5,398,074 A) in view of Boyer et al. (US 20030066085 A1).

Regarding claim 1, Duffield discloses a method of displaying recently accessed television channels comprising the following steps: determining whether a television channel has been recently selected by a user (determining a channel that is frequently and/or continuously selected and reselected by a viewer – see col. 1, lines 14-19); adding the television channel to a list of selected channels if the television channel was determined to be recently selected and generating a primary display screen having multiple small display screens, each small display screen corresponding to one of the selected channels (secondary video pictures 24 representing channels frequently and/or continuously selected and reselected by the viewer are displayed on a screen 20 – see figures 1-3; see col. 1, lines 14-19; col. 3, lines 38-58).

Duffield does not explicitly disclose displaying secondary video pictures through a web browser program. However, Boyer discloses that television program guide data and related multimedia information are provided to the user's multimedia system in the form of one or more web pages to allow the user access information widely. Using a web site platform also allows a wide range of service options, e.g., video, images, text...etc, to be provided (see page 1, 0013; page 2, 0015 and figures 1-3). Furthermore, Boyer shows presenting per view event when the user selects and orders it from pay-per-view channel (see page 9, 0130-0134). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Duffield by displaying secondary video pictures through web browser program as taught by Boyer in order to widely allow the users to access television information at remote locations.

Regarding claims **2 and 3**, Duffield discloses monitoring the selected channel for a predetermined length of time (frequently and/or continuously channel selected and reselected by the viewer – see col. 1, lines 14-19).

Regarding claims **4 and 5**, Duffield discloses selecting the television channel from the secondary video pictures using a remote control in response to on-screen menu prompts (see col. 4, lines 20-24).

Regarding claims **7 and 9-11**, Duffield discloses enabling the selection of a channel from secondary video pictures by highlighting and moving the highlighting up or down the video pictures with the remote control (see col. 6, lines 20-28).

Regarding claim **8**, Duffield discloses enlarging the selected picture as a main screen (see figures 1-3). Duffield does not disclose removing the remaining secondary video pictures.

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Official Notice is taken that the feature of displaying a selected picture on a full screen and removing other pictures from the screen is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Duffield by displaying a selected picture on a full screen and removing other pictures from the screen in order to view the selected picture on screen without obstructiveness.

Regarding claim **12**, Duffield discloses that the new selected channel appears in the middle and the former selected channel is moved to the top or bottom (see col. 6, lines 29-33).

Regarding claim **13-15 and 17**, Duffield discloses displaying multiple viewing secondary video pictures of the channels on screen and allowing the user to select one for displaying on main screen (see figures 1-3).

Regarding claim **16, 18 and 19**, Duffield discloses updating the pictures at full speed (see col. 4, lines 9-17).

Regarding claim **20**, Duffield discloses a method comprising the following steps: generating a primary display screen having multiple small display screens, each small display screen corresponding to one of the selected channels (secondary video pictures 24 representing channels frequently and/or continuously selected and reselected by the viewer are displayed on a screen 20 – see figures 1-3; see col. 1, lines 14-19; col. 3, lines 38-58); applying a focus (a distinct border design 72) to one of the small display screens to designate the one small display screen as active and containing a currently selected channel and to differentiate the active small display screen from remaining ones of the small display screens (enabling the selection of a channel from secondary video pictures by highlighting and moving the highlighting up or down the video pictures with the remote control - see col. 6, lines 20-28).

Regarding claim **21**, Duffield discloses enlarging the selected picture as a main screen (see figures 1-3). Duffield does not disclose removing the remaining secondary video pictures. Official Notice is taken that the feature of displaying a selected picture on a full screen and removing other pictures from the screen is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Duffield by displaying a selected picture on a full screen and removing other pictures from the screen in order to view the selected picture on screen without obstructiveness.

Regarding claims **22 and 23**, Duffield discloses enabling the selection of a channel from secondary video pictures by highlighting and moving the highlighting up or down the video pictures with the remote control (see col. 6, lines 20-28), and displaying multiple viewing secondary video pictures of the channels on screen and allowing the user to select one for displaying on main screen (see figures 1-3).

Regarding claims **24 and 25**, Duffield discloses updating the pictures at full speed (see col. 4, lines 9-17).

Regarding claim **26**, Duffield discloses a method comprising the following steps: generating a primary display screen having multiple small display screens, each small display screen corresponding to one of the selected channels (secondary video pictures 24 representing channels frequently and/or continuously selected and reselected by the viewer are displayed on a screen 20 – see figures 1-3; see col. 1, lines 14-19; col. 3, lines 38-58); displaying still images captures from corresponding channels in the small display screens (secondary video pictures 24 representing channels frequently and/or continuously selected and reselected by the viewer are displayed on a screen 20 – see figures 1-3; see col. 1, lines 14-19; col. 3, lines 38-58).

Duffield does not explicitly disclose displaying secondary video pictures through a web browser program. However, Boyer discloses that television program guide data and related multimedia information are provided to the user's multimedia system in the form of one or more web pages to allow the user access information widely. Using a web site platform also allows a wide range of service options, e.g., video, images, text...etc, to be provided (see page 1, 0013; page 2, 0015 and figures 1-3). Furthermore, Boyer shows presenting per view event when the user selects and orders it from pay-per-view channel (see page 9, 0130-0134). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Duffield by displaying secondary video pictures through web browser program as taught by Boyer in order to widely allow the users to access television information at remote locations.

Regarding claim 27, Duffield discloses updating the pictures at full speed (see col. 4, lines 9-17).

Regarding claim 28, Duffield discloses displaying multiple viewing secondary video pictures of the channels on screen (see figures 1-3).

Regarding claim 29, Duffield discloses a client system capable of receiving multiple television channels, comprising: a processor (82); and a memory (inside the processor) having stored therein executable instructions (software) which, when executed by the processor, cause the processor to perform the following steps: determining whether a television channel has been recently selected by a user (determining a channel that is frequently and/or continuously selected and reselected by a viewer – see col. 1, lines 14-19); adding the television channel to a list of selected channels if the television channel was determined to be recently selected and generating

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a primary display screen having multiple small display screens, each small display screen corresponding to one of the selected channels (secondary video pictures 24 representing channels frequently and/or continuously selected and reselected by the viewer are displayed on a screen 20 – see figures 1-3; see col. 1, lines 14-19; col. 3, lines 38-58).

Duffield does not explicitly disclose displaying secondary video pictures through a web browser program or an interactive display environment including WWW content. Duffield does not explicitly disclose displaying secondary video pictures through a web browser program. However, Boyer discloses that television program guide data and related multimedia information are provided to the user's multimedia system in the form of one or more web pages to allow the user access information widely. Using a web site platform also allows a wide range of service options, e.g., video , images, text...etc, to be provided (see page 1, 0013; page 2, 0015 and figures 1-3). Furthermore, Boyer shows presenting per view event when the user selects and orders it from pay-per-view channel (see page 9, 0130-0134). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Duffield by displaying secondary video pictures through web browser program as taught by Boyer in order to widely allow the users to access television information at remote locations.

Regarding claim 31, Duffield as modified by Boyer discloses that the television information is HTML object displayed on web browser (see Boyer: page 4, 0072).

Regarding claim 32, Boyer et al. further discloses the Internet system comprising at least one server system and a network interconnecting the server system and the one or more client systems (see page 3, 0055, 0056 and figures 1 and 3).

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Claims 33, 34, and 35 are computer-readable medium claims which embody the method steps of claims 1, 20, and 26, respectively, in computer code (i.e., software). Neither Duffield nor Boyer explicitly teaches the method embodied in software. Official Notice is taken that automating method steps in software is extremely well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined teaching of Duffield and Boyer by providing the method steps in Duffield and Boyer as discussed with respect to claims 1, 20, and 26, respectively, as program code (i.e., software) in order to automate the combined system of Duffield and Boyer and provide computer control.

4. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer et al. (US 20030066085 A1) in view of Duffield et al. (US 5,398,074 A).

Regarding claim 36, Boyer et al. discloses in a set top box system (116 – see figure 3) capable of receiving and presenting both television and web content on a television, a user interface executing on the set top box system (see figures 1-30) comprising providing television program guide data and related multimedia information to the user's multimedia system in the form of one or more web pages to allow the user access information widely. Boyer further discloses that using a web site platform also allows a wide range of service options, e.g., video, images, text...etc, to be provided (see page 1, 0013; page 2, 0015 and figures 1-3). Moreover, Boyer shows presenting per view event when the user selects and orders it from pay-per-view channel (see page 9, 0130-0134).

Boyer does not disclose displaying multiple small display screens wherein each small display screen corresponding to a channel recently selected by a user. However, Duffield

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discloses that secondary video pictures 24 representing channels frequently and/or continuously selected and reselected by the viewer are displayed on a screen 20 (see figures 1-3; see col. 1, lines 14-19; col. 3, lines 38-58). Duffield further discloses enabling the selection of a channel from secondary video pictures by highlighting and moving the highlighting up or down the video pictures with the remote control (see col. 6, lines 20-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Boyer by displaying video pictures representing channels frequently and/or continuously selected and reselected by the viewer as taught by Duffield in order to view recently selected channels simultaneously.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu
Primary Examiner
Art Unit 2611

April 18, 2005